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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/890,894	01/09/2002	Yushi Ihara	450101-02897	9637

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NEW YORK, NY 10151

EXAMINER

SHEPARD, JUSTIN E

ART UNIT	PAPER NUMBER
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2617

DATE MAILED: 02/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/890,894	Applicant(s) IHARA, YUSHI	
	Examiner Justin E. Shepard	Art Unit 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 December 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 December 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

Applicant's arguments with respect to claims 1-6 have been considered but are moot in view of the new ground(s) of rejection.

Applicant's arguments filed 12/15/2005 for claim 7 have been fully considered but they are not persuasive. The arguments provided pertain to the amendment added to claim 1, which was not added to claim 7. Therefore the arguments are not considered and the rejection stands.

Drawings

The drawings were received on 12/15/2005. These drawings are acceptable.

Claim Objections

Claim 5 is objected to because of the following informalities: On page 7, lines 3 and 2 from the end of the page; the phrase "indicating the profile coped with by second picture processing means" is unclear. The examiner interprets the limitation to mean that the printer selects the profile, which is where the second picture processing means is found. Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 3, and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tateyama in view of Kwon in further view of Watts.

1. Referring to claim 1, Tateyama discloses a data reception apparatus comprising: picture processing means for doing pre-set picture processing (column 26, lines 45-48; printing a picture based on the data outputted by the transmitter is interpreted as being equivalent to picture processing) using picture data from a data source side (column 26, lines 55-57); input/output means for being fed from said data source side with picture data comprehended in a packet conforming to the IEEE (The institute of Electrical and Electronics Engineers) 1394 standard (column 27, lines 11-12).

Tateyama does not disclose a data reception apparatus for outputting a response packet responsive to a command packet conforming to the IEEE 1394 standard from the data source side; and control means for controlling said input/output means to transmit to said data source side the profile information indicating a profile coped with by said picture processing means, as search results, responsive to the inputting of a command for searching a profile to said input/output means.

Kwon discloses a data reception apparatus for outputting a response packet (column 5, lines 10-11) responsive to a command packet conforming to the IEEE 1394

standard from the data source side (column 5, lines 7-8); and control means for controlling said input/output means to transmit to said data source side the profile information indicating a profile coped with by said picture processing means (column 5, lines 10-11; Note: protocol is being interpreted as equivalent to profile), as search results, responsive to the inputting of a command for searching a profile to said input/output means (column 5, lines 18-24).

Kwon does not disclose a system wherein the control means determines whether to modify the type of picture data from the data source side to the input/output means based on whether the input/output means can accommodate the picture data.

Watts discloses a system wherein the control means determines whether to modify the type of picture data from the data source side to the input/output means based on whether the input/output means can accommodate the picture data (column 2, lines 17-19).

At the time of the invention it would have been obvious to one of ordinary skill in the art to have a communication between the receiver and transmitter to agree on a common protocol to use. The motivation for doing this would have been to figure out at what speed (Tateyama: column 6, lines 61-62) and protocol to use as suggested by Tateyama (column 12, lines 63-65).

At the time of the invention it would have been obvious for one of ordinary skill in the art to add the image resizing from Watts to the system disclosed by Tateyama and Kwon. The motivation would have been to allow the printer to have a plurality of paper

sizes and printing the image on any of those papers without user interference (Watts: column 2, lines 17-19).

2. Referring to claim 3, Tateyama discloses a data transmission device comprising: picture processing means for processing picture data input from outside to generate picture data (column 26, lines 45-48; processing the data for the printer buffer size is interpreted as being equivalent to picture processing); input/output means for outputting the picture data generated by said picture processing means as the picture data is comprehended in a packet conforming to the IEEE (The institute of Electrical and Electronics Engineers) 1394 standard (column 27, lines 11-12).

Tateyama does not disclose a data transmission device with a control means for managing control for generating a command packet for searching a profile coped with by picture data outputting, destination to output the generated command packet from said input/output means to a data reception side, said control means also managing control for changing the type of the picture data output by said input/output means based on the profile information specifying the search results from said data reception side.

Kwon discloses a data transmission device with a control means for managing control for generating a command packet for searching a profile coped with by picture data outputting (column 5, lines 18-24), destination to output the generated command packet from said input/output means to a data reception side (column 5, lines 7-8), said control means also managing control for changing the type of the picture data output by

said input/output means based on the profile information specifying the search results from said data reception side (column 5, lines 10-11).

Kwon does not disclose a system wherein the control means determines whether to modify the type of picture data from the data source side to the input/output means based on whether the input/output means can accommodate the picture data.

Watts discloses a system wherein the control means determines whether to modify the type of picture data from the data source side to the input/output means based on whether the input/output means can accommodate the picture data (column 2, lines 17-19).

At the time of the invention it would have been obvious to one of ordinary skill in the art to have a communication between the receiver and transmitter to agree on a common protocol to use. The motivation for doing this would have been to figure out at what speed (Tateyama: column 6, lines 61-62) and protocol to use as suggested by Tateyama (column 12, lines 63-65).

At the time of the invention it would have been obvious for one of ordinary skill in the art to add the image resizing from Watts to the system disclosed by Tateyama and Kwon. The motivation would have been to allow the printer to have a plurality of paper sizes and printing the image on any of those papers without user interference (Watts: column 2, lines 17-19).

3. Referring to claim 6, Tateyama discloses a data reception apparatus comprising: a picture processing section for doing pre-set picture processing (column 26, lines 45-48) using television picture data from a television signal reception side (column 26, lines

55-57; figure 1A, parts 101 and 102; column 6, lines 35-36; Note: it is common to play the contents of a video camera on a television, so the data must be equivalent); an input/output section fed from said television signal reception side with said television picture data comprehended in an FCP (Function Control Protocol) (column 17, lines 1-2) packet conforming to the IEEE (The Institute of Electrical and Electronics Engineers) 1394 standard (column 27, lines 11-12).

Tateyama does not disclose a data reception apparatus for outputting a response packet responsive to a command packet conforming to the IEEE 1394 standard from the television signal reception side; and a controller for controlling said input/output section to transmit to said television signal reception side profile information indicating a profile coped with by said picture processing section, as search results, responsive to the inputting of a version command packet for searching a profile of printable picture data to said input/output section.

Kwon discloses a data reception apparatus for outputting a response packet responsive to a command packet conforming to the IEEE 1394 standard (column 5, lines 10-11, line 1) from the television signal reception side (column 5, lines 7-8); and a controller for controlling said input/output section to transmit to said television signal reception side profile information indicating a profile coped with by said picture processing section, as search results (column 5, lines 10-11), responsive to the inputting of a version command packet for searching a profile of printable picture data to said input/output section (column 5, lines 18-24).

Kwon does not disclose a system wherein the control means determines whether to modify the type of picture data from the data source side to the input/output means based on whether the input/output means can accommodate the picture data.

Watts discloses a system wherein the control means determines whether to modify the type of picture data from the data source side to the input/output means based on whether the input/output means can accommodate the picture data (column 2, lines 17-19).

At the time of the invention it would have been obvious to one of ordinary skill in the art to have a communication between the receiver and transmitter to agree on a common protocol to use. The motivation for doing this would have been to figure out at what speed (Tateyama: column 6, lines 61-62) and protocol to use as suggested by Tateyama (column 12, lines 63-65).

At the time of the invention it would have been obvious for one of ordinary skill in the art to add the image resizing from Watts to the system disclosed by Tateyama and Kwon. The motivation would have been to allow the printer to have a plurality of paper sizes and printing the image on any of those papers without user interference (Watts: column 2, lines 17-19).

Claims 2, 4, 5, and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tateyama in view of Kwon.

Referring to claims 2 and 4, the added limitation "a step of determining whether to transmit the picture data from said outside based on the profile information," can be found in the Kwon reference (column 6, lines 66-67).

At the time of the invention it would have been obvious for one of ordinary skill in the art to not transfer the data and therefore not print the image when there is not a common protocol, as taught by Kwon, in the system disclosed by Tateyama. The motivation would have been that if there were not a common protocol that communication cannot take place and therefore the image should not be printed.

The rest of the claims have been previously rejected as follows.

4. Referring to claim 2, Tateyama discloses a data processing method in doing pre-set picture processing (column 26, lines 45-48) using picture data from a data source side (column 26, lines 55-57), comprising: a step of being fed from said data source side with picture data comprehended in a packet conforming to the IEEE (the Institute of Electrical and Electronics Engineers) 1394 standard (column 27, lines 11-12).

Tateyama does not disclose a method where the step of outputting a response packet responsive to a command packet conforming to the IEEE 1394 standard from the data source side; and a step of transmitting to said data source side the profile information indicating a profile coped with, as search results, responsive to the inputting of a command packet for searching the profile of processable picture data.

Kwon discloses a method where the step of outputting a response packet (column 5, lines 10-11) responsive to a command packet conforming to the IEEE 1394 standard from the data source side (column 5, lines 7-8); and a step of transmitting to

said data source side the profile information indicating a profile coped with, as search results (column 5, lines 10-11), responsive to the inputting of a command packet for searching the profile of processable picture data (column 5, lines 18-24).

At the time of the invention it would have been obvious to one of ordinary skill in the art to have a communication between the receiver and transmitter to agree on a common protocol to use. The motivation for doing this would have been to figure out at what speed (Tateyama: column 6, lines 61-62) and protocol to use as suggested by Tateyama (column 12, lines 63-65).

5. Referring to claim 4, Tateyama discloses a data processing method comprising: a step of processing picture signals input from outside to generate picture data (column 26, lines 45-48); a step of outputting the picture data generated as the picture data is comprehended in a packet conforming to the IEEE (The institute of Electrical and Electronics Engineers) 1394 standard (column 27, lines 11-12).

Tateyama discloses a data processing method with a step of generating a command packet for searching a profile coped with by picture data outputting destination to output the generated command packet to a data reception side; and a step of managing control for changing the type of the picture data output based on the profile information specifying the search results transmitted from said data reception side.

Kwon discloses a data processing method with a step of generating a command packet for searching a profile coped with by picture data outputting destination (column 5, lines 18-24) to output the generated command packet to a data reception side

(column 5, lines 7-8); and a step of managing control for changing the type of the picture data output based on the profile information specifying the search results transmitted from said data reception side (column 5, lines 10-11).

At the time of the invention it would have been obvious to one of ordinary skill in the art to have a communication between the receiver and transmitter to agree on a common protocol to use. The motivation for doing this would have been to figure out at what speed (Tateyama: column 6, lines 61-62) and protocol to use as suggested by Tateyama (column 12, lines 63-65).

6. Referring to claim 5, Tateyama discloses a data transmission/reception system having a data transmission device and a data reception device (column 2, lines 29-30); said data transmission device comprising: first picture processing means for processing picture signals input from outside to generate picture data (column 26, lines 45-48); first input/output means for outputting the picture data generated by said first picture processing means to a picture reception device as the picture data generated is comprehended in a packet conforming to the IEEE (The institute of Electrical and Electronics Engineers) 1394 standard (column 27, lines 11-12); said control means also managing control for changing the type of the picture data output by said first input/output means based on the profile information specifying the search results from a data reception side (column 26, lines 7-9); said data reception device including second input/output means for receiving picture data from said first input/output means as the picture data is comprehended in a packet conforming to the IEEE (The Institute of

Electrical and Electronics Engineers) 1394 standard (column 27, lines 11-12); second picture processing means for performing pre-set picture processing using the picture data input by said second picture processing means (column 26, lines 32-35; Note: a decoder is interpreted as being a picture processor).

Tateyama does not disclose on the transmission side: first control means for managing control for generating a command packet for searching a profile coped with by picture data reception device to output the generated command packet from said input/output means to said data reception device; and on the receiver side: outputting a response packet responsive to the command packet conforming to the IEEE (the Institute of Electrical and Electronics Engineers) 1394 standard from said first input/output means; and second control means for controlling said second input/output means, responsive to inputting to said second input/output means of a command for searching a profile from said first input/output means, for outputting the profile information indicating the profile coped with by said second picture processing means, as search results, to said data transmission device.

Kwon discloses on the transmission side: first control means for managing control for generating a command packet for searching a profile coped with by picture data reception device (column 5, lines 18-24) to output the generated command packet from said input/output means to said data reception device (column 5, lines 7-8); and on the receiver side: outputting a response packet responsive to the command packet (column 5, lines 10-11) conforming to the IEEE (the Institute of Electrical and Electronics Engineers) 1394 standard from said first input/output means (column 5, line

1); and second control means for controlling said second input/output means, responsive to inputting to said second input/output means of a command for searching a profile from said first input/output means (column 5, lines 18-24), for outputting the profile information indicating the profile copied with by said second picture processing means (Tateyama: column 26, lines 32-35; Note: see above objection), as search results, to said data transmission device (column 5, lines 10-11).

At the time of the invention it would have been obvious to one of ordinary skill in the art to have a communication between the receiver and transmitter to agree on a common protocol to use. The motivation for doing this would have been to figure out at what speed (Tateyama: column 6, lines 61-62) and protocol to use as suggested by Tateyama (column 12, lines 63-65).

7. Referring to claim 7, Tateyama discloses a data transmission device comprising: a picture processing section for picture-processing television data input from outside to generate picture data (column 26, lines 45-48; figure 1A, parts 101 and 102; column 6, lines 35-36); an input/output section for outputting the picture data generated by said picture processing section as the picture data is comprehended in an FCP (Function Control Protocol) (column 17, lines 1-2) packet conforming to the IEEE (The Institute of Electrical and Electronics Engineers) 1394 standard (column 27, lines 11-12).

Tateyama does not disclose a data transmission device with a controller for managing control for generating a version command packet for searching a profile of printable picture data copied with by a data reception device as picture data outputting

destination to output the generated version command packet from said input/output section to the data reception device side, said controller also managing control for changing the type of the picture data output by said input/output section based on profile information specifying the search results from said data reception device side.

Kwon discloses a data transmission device with a controller for managing control for generating a version command packet for searching a profile of printable picture data copied with by a data reception device as picture data outputting (column 5, lines 18-24) destination to output the generated version command packet from said input/output section to the data reception device side (column 5, lines 7-8), said controller also managing control for changing the type of the picture data output by said input/output section based on profile information specifying the search results from said data reception device side (column 5, lines 10-11).

At the time of the invention it would have been obvious to one of ordinary skill in the art to have a communication between the receiver and transmitter to agree on a common protocol to use. The motivation for doing this would have been to figure out at what speed (Tateyama: column 6, lines 61-62) and protocol to use as suggested by Tateyama (column 12, lines 63-65).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Kawamura, U.S. Patent Number 6,282,597, Information Processing Apparatus, Control Method, and Transmission Medium Using Thin Protocol that Responds to A/V Control Commands.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Justin E. Shepard whose telephone number is (571) 272-5967. The examiner can normally be reached on 7:30-5 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on (571) 272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2617

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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